

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Senanayake <i>et. al.</i>	Confirmation No.:	4449
Serial No.:	09/998,195	Art Unit:	1621
Filed:	December 3, 2001	Examiner:	Kumar, Shailendra
For:	SYNTHESIS, METHODS OF USING, AND COMPOSITIONS OF HYDROXYLATED CYCLOBUTYLALKYLAMIN ES	Attorney Docket No:	4821-409-999 CAM: 208423-999408

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF UNDER UNDER
37 C.F.R. §41.37(d)**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief (“Notification”) mailed December 22, 2008 and pursuant to 37 C.F.R. §41.37(d), Applicants submit herewith a corrected Brief on Appeal. It is alleged in the Notification that Applicants’ Brief on Appeal filed September 24, 2008¹ is defective because “[t]he brief contains amended claims, which were not entered earlier by the examiner.” Further, it is alleged that “[t]he brief contains new claims.”


Applicants submit herewith a corrected Brief on Appeal wherein no amendments are made and no new claims are added. The claims on appeal are now identical to those under final rejection. (*See* Office Action mailed March 20, 2008). Applicants respectfully request that the Brief on Appeal submitted herewith replace the Brief on Appeal filed August 18, 2008.

No fee is believed due for the submission of this paper. However, if any fees are deemed due for the submission of this paper or to avoid abandonment of this application, please charge them to Deposit Account No. 50-3013.

¹ The Brief on Appeal filed September 2008 was submitted in response to the Notification of Non-Compliant Appeal Brief sent September 11, 2008. It was filed to replace the Brief on Appeal filed August 18, 2008.

Respectfully submitted,

Date: **January 13, 2009**


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